

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **ASSISTED PERSONAL COMMUNICATION SYSTEM AND METHOD**.

The specification of which was filed on January 22, 2001 as application serial no. 09/767,375 and was amended on

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>Application Number</u>	<u>Filing Date</u>
60/105,119	October 21, 1998

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
09/277,805	March 27, 1999	Pending

Attorney Docket No.: 1383.021US1
 Serial No. 09/767,375
 Filing Date: January 22, 2001

Page 2 of 3

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Harris, Robert J.	Reg. No. 37,346	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Hill, Stanley K.	Reg. No. 37,548	Nielsen, Walter W.	Reg. No. 25,539
Beekman, Marvin L.	Reg. No. 38,377	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Jurkovich, Patti J.	Reg. No. 44,813	Parker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,836	Kalis, Jamal M.	Reg. No. 37,650	Perdok, Monique M.	Reg. No. 42,989
Black, David W.	Reg. No. 42,331	Karfinam, John D.	Reg. No. 24,017	Peterson, David C.	Reg. No. P-47,857
Brennan, Leoniede M.	Reg. No. 35,832	Klima-Silberg, Catherine I.	Reg. No. 40,052	Prout, William F.	Reg. No. 33,995
Brennan, Thomas F.	Reg. No. 35,075	Kluth, Daniel J.	Reg. No. 32,146	Schumm, Sherry W.	Reg. No. 39,422
Brooks, Edward J., III	Reg. No. 40,925	Lacy, Rodney L.	Reg. No. 41,136	Schwegman, Micheal L.	Reg. No. 25,816
Clark, Barbara J.	Reg. No. 38,107	Lemalre, Charles A.	Reg. No. 36,198	Scott, John C.	Reg. No. 38,613
Cluse, Timothy B.	Reg. No. 40,957	LeMone, Dana B.	Reg. No. 40,062	Smith, Michael G.	Reg. No. 45,368
Dahl, John M.	Reg. No. 44,639	Lundberg, Steven W.	Reg. No. 30,568	Speiter, Gary J.	Reg. No. 45,458
Drake, Eduardo E.	Reg. No. 40,594	Maeynaert, Paul L.	Reg. No. 40,076	Steffey, Charles E.	Reg. No. 25,179
Embretson, Janet E.	Reg. No. 39,665	Maki, Peter C.	Reg. No. 42,832	Stordal, Leif T.	Reg. No. 46,251
Fordenbacher, Paul J.	Reg. No. 42,546	Malen, Peter L.	Reg. No. 44,894	Terry, Kathleen R.	Reg. No. 31,884
Forrest, Bradley A.	Reg. No. 30,837	Mates, Robert E.	Reg. No. 35,271	Tong, Viet V.	Reg. No. 45,416
Gamon, Owen J.	Reg. No. 36,143	McCrackin, Ann M.	Reg. No. 42,858	Viksnins, Ann S.	Reg. No. 37,748
Gorysch, Joseph E.	Reg. No. 41,791	Moore, Charles L., Jr.	Reg. No. 33,742	Vogel, Peter J.	Reg. No. 41,363
Haack, John L.	Reg. No. 36,154	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:
 P.O. Box 2938, Minneapolis, MN 55402
 Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1: Raymond J. Menard
 Citizenship: United States of America
 Post Office Address: 906 East 1st Street
Hastings, MN 55033

Residence: Hastings, MN

Signature: _____

Raymond J. Menard

Date: _____

April 30, 2001

Full Name of joint inventor number 2: Curtis E. Quady
 Citizenship: United States of America
 Post Office Address: 2704 Wren Court
Burnsville, MN 55306-5250

Residence: Burnsville, MN

Signature: _____

Curtis E. Quady

Date: _____

April 30, 2001

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

S/N Unknown

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Raymond J. Menard	Examiner:	Unknown
Serial No.:	Unknown	Group Art Unit:	Unknown
Filed:	Herewith	Docket:	1383.021US2
Title:	ASSISTED PERSONAL COMMUNICATION SYSTEM AND METHOD		

COMMUNICATION CONCERNING RELATED APPLICATIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant draws the Examiner's attention to the following related applications in the above-identified patent application:

<u>Serial/Patent No.</u>	<u>Filing Date</u>	<u>Attorney Docket</u>	<u>Title</u>
09/219737	December 22, 1998	1383.004US1	DETECTION SYSTEM USING PERSONAL COMMUNICATION DEVICE WITH RESPONSE
09/383784 6608557	August 26, 1999	1383.005US1	SYSTEMS AND METHODS FOR TRANSMITTING SIGNALS TO A CENTRAL STATION
09/277805	March 27, 1999	1383.010US1	LONG RANGE, BIDIRECTIONAL, WIRELESS PERSONAL COMMUNICATION SYSTEM
09/384165 6356192	August 27, 1999	1383.020US1	BI-DIRECTIONAL WIRELESS DETECTION SYSTEM
09/956474	September 19, 2001	1383.020US2	BI-DIRECTIONAL WIRELESS DETECTION SYSTEM
09/579913	May 26, 2000	1383.026US1	MODULAR COMMUNICATION SYSTEM AND METHOD
09/793373 6563910	February 26, 2001	1383.029US1	EMERGENCY RESPONSE INFORMATION DISTRIBUTION
09/867276	May 29, 2001	1383.031US1	POWER DOOR CONTROL AND SENSOR MODULE FOR A WIRELESS SYSTEM

09/907464	July 17, 2001	1383.033US1	ELECTRICAL POWER CONTROL AND SENSOR MODULE FOR A WIRELESS SYSTEM
09/906383	July 16, 2001	1383.034US1	INTERCOM MODULE FOR A WIRELESS SYSTEM
10/081142	February 22, 2002	1383.036US1	ELECTRONIC LOCK CONTROL AND SENSOR MODULE FOR A WIRELESS SYSTEM
10/165221	June 7, 2002	1383.037US1	EMERGENCY COMMUNICATION AND MONITORING SYSTEM AND METHOD
09/767663	January 22, 2001	1383.039US1	CELLULAR TELEPHONE WITH PROGRAMMABLE AUTHORIZED TELEPHONE NUMBER
08/837229 5902234	April 10, 1997	1383.047US1	MEDICAL COMMUNICATION SYSTEM FOR AMBULATORY HOME- CARE PATIENTS
09/315739 6466652	May 20, 1999	1383.048US1	MONITORING AND COMMUNICATION SYSTEM FOR STATIONARY AND MOBILE PERSONS
10/112669	March 28, 2002	1383.041US1	METHOD AND SYSTEM FOR WIRELESS TRACKING
10/112690	March 28, 2002	1383.044US1	REMOTE NOTIFICATION OF MONITORED CONDITION
10/254048	September 23, 2002	1383.048US2	MONITORING AND COMMUNICATION SYSTEM FOR STATIONARY AND MOBILE PERSONS
10/322374	December 17, 2002	1383.004US2	DETECTION SYSTEM USING PERSONAL COMMUNICATION DEVICE WITH RESPONSE
10/290097	November 7, 2002	1383.040US2	INTERACTIVE MOTION SENSITIVE SENSOR

COMMUNICATION CONCERNING RELATED APPLICATIONS

Serial Number: unknown

Filing Date: herewith

Title: ASSISTED PERSONAL COMMUNICATION SYSTEM AND METHOD

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Dkt: 1383.021US2

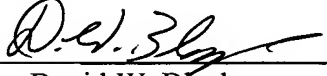
10/310713	December 5, 2002	1383.049US1	WIRELESS MANAGEMENT OF PORTABLE TOILET FACILITY
10/640876	August 13, 2003	1383.005US2	SYSTEMS AND METHODS FOR TRANSMITTING SIGNALS TO A CENTRAL STATION
10/409661	April 7, 2003	1383.029US2	EMERGENCY RESPONSE INFORMATION DISTRIBUTION
10/601330	June 20, 2003	1383.040US3	INTERACTIVE MOTION SENSITIVE SENSOR

Respectfully submitted,

RAYMOND J. MENARD

By Applicant's Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6911

Date November 21, 2003 By 
David W. Black
Reg. No. 42,331

"Express Mail" mailing label number: EV299684887US

Date of Deposit: November 21, 2003

This paper or fee is being deposited on the date indicated above with the United States Postal Service pursuant to 37 CFR 1.10, and is addressed to The Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.